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-DATE

1ST JULY.

CIRCULATION :-

- Mr.
- Mr.
- Mr.
- Mr. Grindle
- Sir H. Lambert
- Sir H. Bead
- Sir G. Fiddes
- Mr. Wood
- Mr. Churchill

SUBJECT

RESIDENT COMMISSIONERS & RESIDENT MAGISTRATES
DISTINCTION BETWEEN FUNCTIONS.

Replies to enquiries re.

Previous Paper

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MINUTES

Mr. Grindle

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Subsequent Paper

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*(Financial Admin
Supt. Admin. Affairs)*

OFFICE OF THE GOVERNOR
KENYA & PROTECTORATE OF KENYA.

GOVERNMENT HOUSE,

NAIROBI.

BRITISH EAST AFRICA

No. 920.

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38081
REC'D
JUL 29 1921

1st July, 1921.

Sir,

I have the honour to submit the following reply to the inquiries contained in the second paragraph of your despatch No. 696 of the 4th May regarding the distinction between the functions of Resident Commissioners and Resident Magistrates:-

(a) Resident Commissioner is the title of the Officer in administrative charge of a Non-Native area: he is also responsible for the magisterial work in his area in cases where no Magistrate is detailed specially for the purpose.

(b) Resident Magistrate is the title given to those Resident Commissioners whose duties are confined solely to magisterial work and who are seconded for duty directly under the control of the Chief Justice. The title is applied at present only to the 2 Magistrates at Nairobi and 1 at Mombasa, at both of which places there is in addition a Resident Commissioner responsible for the collection of revenue and administrative duties generally.

I have the honour to be,

Sir,

Your humble, obedient servant,

For GOVERNOR.

THE RIGHT HONOURABLE

WINSTON CHURCHILL, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

10, WHITEHALL, LONDON, S.W.

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REC'D
JUL 21

GOVERNMENT HOUSE,
NAIROBI.

PROTECTORATE
No. 156.

CONFIDENTIAL.

1st July, 1921.

Sir,

With reference to your despatch No. 804 of the 19th May on the budget of this Colony for 1921, I have the honour to forward herewith the further explanation for which you ask.

I regret that the information furnished under my original despatch should have been too meagre and trust that in future you will not have cause for complaint either on this head or by reason of delay in submission.

2. I am scrutinising most closely every new appointment and the filling of every vacancy. Where such can be left empty without seriously impairing the efficiency of the administration it will be done.

3. I have already in my despatch No. 560 of April 22nd, 1921, informed you fully of my proposals with regard to the £80,000 set aside for increased salaries, most of this amount having been put to savings. I have also addressed you as to the financial position of the Colony, in my

Confidential-

Gr 20690
Revision
Salary
(cont.)

THE RIGHT HONOURABLE

WINSTON CHURCHILL, P.C., M.P.,

SECRETARY OF STATE FOR THE COLONIES,

DOWNING STREET, LONDON, S. W.,

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35653
Confidential despatch of June 13th of this year and will add nothing thereto at the moment: by the time this despatch reaches your hands I shall be in England intending to discuss the whole financial position of the Colony with you. I attach a memorandum dealing with such points in your despatch as necessitate a reply: such as are not mentioned have been noted and the necessary action taken thereon.

I have the honour to be,

Sir,

Your humble, obedient servant,

Edward Northey

GOVERNOR.

MEMORANDUM.

(reference Colonial Office despatch No. 804 of 19th May, 1921).

Revenue

Head I Customs & Head III Licenses etc.

Your remarks on Head I and Head III are noted.

Income Tax.

It is regretted that, as I have stated in my telegram No. 286 of the 26th May, rather than a surplus in Revenue a deficit of £300,000 must be expected. When Council considered Estimates the Acting Treasurer, who had no previous statistics or experience on which to base his estimate, as he explained in his budget statement, considered that the original estimate of £251,652 was over optimistic in view of the depression of trade which had become apparent since the Estimates were framed, and that it was advisable to reduce this sum by at least the amount of the surplus shown on his budget. To this action I and my Council agreed. Even now there is little more information available on which to base the revised Estimates and the anticipated shortage of at least £100,000 on the reduced figure must be regarded as a matter of opinion which can only be determined by results.

Government Printing

Head V Official Gazette and Printing.

When the 2nd Linotype machine which was sent out two years ago but was damaged by fire in the S.S. Berwick shall have been set up and the 3rd for which an Indent has gone home and which is an urgent necessity has arrived, a 2nd European Linotype operator will be required. He will not be engaged until this machinery is ready. The work required of the Government Press is more than can be executed at present, but a great saving will be effected when this 2nd Linotype is in working order by doing in the Government Press work that now has to be given to private firms at greatly enhanced cost.

Head VI. Provincial Administration.

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21.

A schedule showing the distribution of the Administrative Staff accompanied my despatch Confidential No. 106 of the 6th May. You will observe that in reality there is no excess in the Senior Grade, as the existing post of Assistant Colonial Secretary was omitted from the original estimates, and the new office of Deputy Chief Native Commissioner has replaced the second Senior Grade Officer, who was allocated to Nairobi. At least two posts will remain unfilled during the current year. A reduction of one in the Chief Native Commissioner's establishment will be effected: it was necessary to make provision for this latter post as the holder of the appointment will be on leave pending retirement during this financial period. My original estimate allowed of no staff for the settled areas of Nyeri and North West Kenya and the District of Kacheliba now to be incorporated in the area under the control of the Officer-in-Charge, Kamasia-Suk. Experience has shown the necessity for First-Grade Officers at Malindi and Vanga as well as in the Nakuru-Naivasha area. I am satisfied that the adjustments laid down for the staff of the Second Grade is the minimum compatible with administrative requirements, and I trust that my dispositions will receive your covering approval. I may state that the allotment of personnel was made after full consultation with the officers conversant with the different localities.

C. Head VI. Native Affairs Department.

Item 45 - Confidential European Stenographer. This appointment will relieve the Chief Native Commissioner in the heavy correspondence which comes to him from the Native Districts: the necessity is the greater in that this most important Department is now in a process of

of systematization.

Item 78. To carry out the provisions of the Native Registration Ordinances, it is found that two Assistant Registrars are indispensable. The application of these Ordinances is having a most beneficial effect upon the control of Natives outside the Reserves

Item 79. Chief Registration Clerk. The Registration Section has charge of the Records of 250,000 natives and before the end of the year the number will have increased to over 300,000: the staff of subordinate clerks requires a European to be in charge of them. I have already recommended ~~Colonel~~ Colonel O. F. Watkins, C.B.E., D.S.O. for the post of Deputy Chief Native Commissioner vide my despatch No. 1453 of 29th 11.11.1921.
Head VII. Treasury.

At the time the Acting Treasurer was preparing the Treasury Estimates for 1921, it was intended that your sanction should be asked to approve an increase in the Central Tender Board allowance from £25 to £50 per annum but it appears the necessary steps were omitted.

The duties of the Central Tender Board commenced in 1910 but it was not until 1913 that the present allowance of £25 per annum was sanctioned.

These duties were detailed in Sir Charles Bowring's despatch to the Secretary of State (No. 594 of 26th August, 1912) and since that date it is undoubtedly the case that the work has steadily increased, and especially so during the last two to three years in account of the influx of new Firms and Producers to the Colony, necessitating increased work in the disposal of all preliminary details in connection with specifications, correspondence with Departments, prospective Tenderers, and the preparation of Contracts.

I would mention that as far back as 1914 it was realized by Mr. Smallwood (then Treasurer) that the work

was deserving of an increased allowance, but on the outbreak of hostilities late in 1914, it was decided that the matter be kept pending until a more opportune time.

In order to co-ordinate this allowance with other duty allowances which have been assessed at 10% of the initial salary of the Officer's grade, I propose to reduce the amount asked by £10 viz: to £40 and trust that this will meet with your approval.

E. Head XI. Legal Department.

The Commissioner of Police is no longer able to spare a European Constable for special duty as Process Server, which it must be recognized is no part of the normal duties of such an Officer; heretofore this work has been performed by the European Police, as it was insufficient to keep a separate Process Server fully employed. The number of such documents to be served is increasing daily, and I consider it essential that the service should be by a European. Service on Non-Natives by a native is unsatisfactory particularly where disputes as to the validity of service arise: instances have occurred where legal proceedings have been greatly hampered by deliberate evasion or frustration of service.

Head VII Police Department.

Item 10. The Inspector is required for plain clothes duty on the Uganda Railway in connection with the greatly increased number of thefts; he is paid for by the Uganda Railway - vide Item 102 of this subhead.

Item 13. 3 Assistant Inspectors. Owing to the large increase of the Non-Native Population of Nairobi it has been found essential to arrange for the presence of a European Assistant Inspector on duty in the charge of the Main Nairobi Police Station throughout the 24 hours thus necessitating this additional establishment.

Item 28. Additional European Constable required owing to the increase of European Settlement.

Item 34. This Assistant Sub-Inspector is required at Mombasa owing to increased activity at the Port.

African Police. These small additions are required to meet the increased demands in various Native Districts.

Item 45. It has been found quite impossible with only 200 recruits to fill the normally recurring vacancies in an establishment of over 2000 Police: it is estimated that a further 100 is the least addition which will enable the force to be kept up to strength.

Increase in Clerical Establishment. One necessitated by increased work at Headquarters resulting from the large increase of the European Population: one for work in the new district of the Trans Nzola and one at the Depot where the Superintendent in charge was performing clerical duties to the detriment of his proper functions.

Head XIV Medical Department.

The total is made up as follows:-

(a) Housing for labourers	25,400	23
(b) Sewage disposal station	1,700	
(c) Seven public latrines	2,400	
(d) Roofing of Mackinnon Market	2,500	
(e) Provision of night-soil carts.	320	
(f) Garage, Implement store and Carpenter's shop	680	

Total 215,000

(a). Formerly the Staff of Sweepers and other labour, 300 in number, found shelter where they could: this unsatisfactory state of affairs was terminated during the drastic cleansing of the Native Quarters of Mombasa during the Plague outbreak in that town last year ~~xxx~~. These men come from the Native Reserves upcountry, ~~they~~ ^{and} are incapable of finding proper accommodation being looked upon as outcasts by the Moslim population. Unless housing is provided not only will labour for this work not be forthcoming but those obtained will suffer in health.

(b) and (c). These are essential services hitherto deficient and the health of the town has been thereby jeopardized.

(d). This market is only partially roofed and that portion already roofed is still most unsatisfactory, so much so that the Chief Sanitation Officer considers that it will be necessary to close the Market unless it can be put into proper order.

(e). To replace the former trolley system now abolished.

7.

(f). To house Medical Ambulances and other Conservancy vehicles together with implements &c. required in this connection.

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Head XVI Education.

The annual increment of Assistant Masters has been corrected to £20.

With regard to Item 72 the salary of the Headmaster of the Ali bin Salim School should always have been in my opinion on the same scale as that laid down for General Headmasters, viz £500-25-£600. The Headmaster of the Ali bin Salim School was appointed on a salary of £300-25 to £500 at a time when General Headmasters received £250-15-£400, but when the revised salaries came into force his salary formed an exception to the general rule and became £400 to £500 instead of £500 to £600. This case was brought to the notice of the Select Committee as an anomaly. In an interview with the Acting Director of Education and the Honorable Treasurer, I suggested that the Headmaster in question had scarcely been treated fairly and recommended that in the 1922 Estimates the post of one headmaster (£400-25-£500) be deleted and that this Headmaster be included in the item 3 Headmasters £500-25-£600. In the Estimates for 1922 I have set the salary of the holder of this post at the rate of £500-25-£600 ^{as his responsibilities} are the same as other Headmasters.

Your remarks as to the Chief Technical Instructor are noted and the necessary correction has been made in Estimates.

Head XVIII Military Expenditure.

Officers Message. Your instructions have been noted.

Inspector General and Defence Force. The necessary substitutions have been made.

King's African Central Headquarters and Pay Department. Funds for such necessary expenditure as is incurred will be found from savings.

Head XXII. Agricultural Department.

Deputy Director - Item 4. Estimates have been amended fixing the salary at £1,000.

Tobacco Officer - Item 2. This Officer should have been shown as Personal Assistant at the salary stated, which is appropriate to this duty. He is however in addition carrying out certain experiments in Tobacco and for that reason Council approved an allowance of £38 for the nine months of this financial year. This allowance will not be continued.

Senior Coffee Officer - Item 6.

It is considered necessary in order to retain the services of Mr. A. Poer Trench to keep his salary at from £500 to £700. The duties performed and the value obtained fully warrant this scale.

Senior Flax Officer - Item 8.

The salary has been altered from £500 to £600: the set back to the flax industry will not allow a higher rate of pay at present: should this crop's prospects improve the question of this Officer's salary rate might reasonably be raised again when he approaches the maximum of the approved rate. The duties and responsibilities of the Tobacco Officer and Dairy and Pig Officer at present cannot be considered as equal to those of the Coffee and Flax

9.

Officers who deal with two of the most important agricultural activities of the Colony.

26

Imperial Bureau of Mycology.

I regret that it would have been apart from my duty to make any ~~other~~ decision as to this contribution other than that conveyed in my telegram No. 291 of 27th May viz: that this Colony cannot at present afford a larger subscription than £100 for this and the next year.

Entomologists - Item 76. The scale is £500 by £25 to £600.

Veterinary Department.

Assistant Store-Keeper - Item 167.

This is considered the minimum payable in this country to a European holding a position of equal responsibility to that under mention.

Mechanic. Item, 168.

The approved scale vide Viscount Milner's Confidential despatch of 22nd June, 1920, for this post was £250 by £15 to £300. This Officer was then drawing £360 per annum under the approval of your predecessor.

In drafting Estimates it was considered advisable to shew his salary on the approved scale, but in addition to this, the Méchanic draws a special temporary allowance which brings the total of his emoluments up to £360.- vide item 171.

Grader and Inspector - Item 15.

This appointment was provided in anticipation of effect being given to an Ordinance which was presented to Legislative Council dealing with the grading and inspection of Agricultural Export Products. It has however, been suspended as the Ordinance has

not -

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not yet passed through all its stages and at present the export of grain is insufficient to justify the appointment being made.

The cost of the services of this Officer would be covered by revenue derived from grading fees, and an amount equivalent to that cost was included in Revenue sub-head III, Item 2.

Foreman, Item 110.

In connection with the development and activities of an Experimental Farm, two European units are essential.

The manager is not infrequently absent on ~~business~~ Departmental services in the districts served by the Experimental farm and in his absence the Foreman takes charge. A temporary appointment was made and sanctioned by Colonial Office despatch No. 1623 of 25th April, 1921.

Two Junior Veterinary Officers, Item 124.

It was considered necessary if this Department was to carry out the work which lies before it to increase the staff: the smallest possible provision was made by the inclusion of this item.

The Colony's financial position is however so grave that I must leave these appointments unfilled and they have been deleted from the 1922 Estimates.

Land Department.

Head XXVI.

The answer to your question is in the affirmative.

Head XXIX Public Works Extraordinary.

Mombasa Water Works Item 6-228,232.

The 28

following schedule shows the proposals:-

	2
1. Extension of Distribution System Mombasa Island in accordance with the original project.	18,932
2. Supplying and fixing 150 meters on connections in Mombasa Township @ Pk. 55 each.	1,275
3. Supplying and fixing one Venturi Meter at Service Reservoir Changamwe.	400
4. Minor improvements to Service Reservoir Changamwe.	200
5. Construction of store for Water Works Material at Mombasa.	1,000
6. Minor improvements to Intake Works, Mteri.	100
7. Replacement of certain pipes on the system and scraping and repairing others.	500
8. Renewal of 15 bridges on road between Mteza and Mteri.	1,000
9. Construction of Jetty at Mteza.	500
10. Aqueduct across Mwachii Creek to carry 10 inch pipe and replace the existing temporary 5 inch pipes.	2,000
11. Extension of telephone from the Service Reservoir to the Executive Engineer's Office Mombasa.	500
12. Renewal of ten air valves	75
13. Provision of additional Kiosks for sale of water in Mombasa.	1,500
14. Purchase of tools for the execution of capital works and for maintenance.	100
15. Provision of relief pipe at Break Pressure Tank.	150

Total 228,232.

It is hoped that it may be found possible to postpone the major part of this programme: much of the estimate is contingent upon the extension Item 1.

If this is not undertaken at present several of the other items will remain unexpended.

The assurance is given that no work herein mentioned will be undertaken unless found to be absolutely necessary.